



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,707

07/06/2001

Roger E. Darois

D0188/7126

4890

7590

05/24/2004

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EXAMINER

BONDERER, DAVID A

ART UNIT

PAPER NUMBER

3732

17

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

09/900,707

Applicant(s)

DAROIS ET AL.

Examiner

D. Austin Bonderer

Art Unit

3732

All participants (applicant, applicant's representative, PTO personnel):

(1) D. Austin Bonderer.

(3) J. Hanifin.

(2) P. Philogene.

(4) \_\_\_\_\_.

Date of Interview: 5-19-04.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 46.

Identification of prior art discussed: Mulhauser et al..

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The only point of contention centered on the adhesions to the Barrier Layer. In the instant application, the barrier layer is disclosed to be made of a "suitable adhesion resistant materials[.]" It is clear from the discussions that the term "material" encompasses the structure not just the composition. It was agreed that the independent claims will include the limitation that the barrier layer inhibits the formation of adhesions to itself.

It was decided that even though Mulhauser discloses a silicone ring, the disclosure fails to teach or suggest that the ring inhibits adhesions. It fails to discuss pore size or the occurrence of adhesions. Even though the ring itself may prevent adhesions, it is not disclosed and therefore does not properly anticipate. It was also discussed whether it would have been obvious to one of ordinary skill in the art to make the ring out of a material that is adhesion resistant. We came to the conclusion that even though some of the materials disclosed in the instant application were silicone elastomers, it was the structure of the elastomers that distinguished themselves over the Mulhauser. There is no motivation to provide Mulhauser with an adhesion resistant material. .

  
PEDRO PHILOGENE  
PRIMARY EXAMINER